

No. 24-6697

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

COURTHOUSE NEWS SERVICE,
Plaintiff-Appellee,

v.

SARA OMUNDSON,
Defendant-Appellant.

On Appeal from the United States District Court for the District of Idaho

No. 1:21-CV-00305-DCN
Hon. David C. Nye Presiding

**MOTION OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE
PRESS AND 23 MEDIA ORGANIZATIONS FOR LEAVE TO FILE AMICI
CURIAE BRIEF IN SUPPORT OF PLAINTIFF-APPELLEE**

Grayson Clary
Counsel of Record

Lisa Zycherman

Mara Gassmann

Renee M. Griffin

Of counsel

REPORTERS COMMITTEE FOR

FREEDOM OF THE PRESS

1156 15th St. NW, Suite 1020

Washington, D.C. 20005

Telephone: (202) 795-9300

Facsimile: (202) 795-9310

gclary@rcfp.org

Proposed amici curiae the Reporters Committee for Freedom of the Press (“Reporters Committee”) and 23 media organizations (together, “amici”) respectfully request leave to file the accompanying brief in support of Plaintiff-Appellee Courthouse News Service. *See* Fed. R. App. P. 29; Loc. Cir. R. 29-3. Along with the Reporters Committee, amici are:¹

American Broadcasting
Companies, Inc.

The Associated Press

The Atlantic Monthly Group LLC

The Center for Investigative
Reporting

The E.W. Scripps Company

First Amendment Coalition

Gannett Co., Inc.

Gray Local Media, Inc.

HuffPost

The Intercept Media, Inc.

Los Angeles Times
Communications LLC

The National Press Club

National Press Photographers
Association

New York Public Radio

The New York Times Company

News/Media Alliance

Online News Association

Pro Publica, Inc.

Radio Television Digital News
Association

The Seattle Times Company

Society of Professional Journalists

TEGNA Inc.

The Washington Post

¹ Statements of interest of each organization are set forth below.

Plaintiff-Appellee consents to the filing of this brief. Defendant-Appellant Sara Omundson does not consent. In support of the requested relief, amici state as follows:

As news organizations and media organizations that gather and report news to the public, or advocate for the First Amendment and newsgathering rights of the press, amici have a strong interest in safeguarding the public's presumptive right to access court proceedings and records. Prompt access to judicial hearings and records is essential for journalists, in their role as "surrogates for the public," to gather information and keep the public informed about court cases of public interest. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980). It is from this perspective that amici write to emphasize the public interest in this case and the importance to the wider press and public of timely access to civil complaints.

The Reporters Committee regularly files as amicus in courts in this Circuit on matters involving the right of access. *See, e.g.*, Brief for Reporters Committee & 25 Media Orgs. as Amici Curiae, *Courthouse News Serv. v. Yamasaki*, 950 F.3d 640 (9th Cir. 2021) (No. 18-56216); Brief for Reporters Committee & 27 Media Orgs. as Amici Curiae, *Courthouse News Serv. v. Planet*, 947 F.3d 581 (9th Cir. 2020) (Nos. 16-55977 & 16-56714); Brief for Reporters Committee & NPPA as Amici Curiae, *Leigh v. Salazar*, 677 F.3d 892 (9th Cir. 2012).

Amici believe the accompanying brief will provide relevant and practical information that will aid the decisional process. This motion is not being filed to cause delay, to harass or prejudice any party, or for any other improper purpose.

INDIVIDUAL STATEMENTS OF INTEREST

The Reporters Committee is an unincorporated nonprofit association founded by leading journalists and media lawyers in 1970, whose attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

American Broadcasting Companies, Inc., d/b/a ABC News, produces the television programs *World News with David Muir*, *Good Morning America*, *Nightline*, *20/20*, and *This Week*, among others.

The Associated Press (“AP”) is a news cooperative organized under the Not-for-Profit Corporation Law of New York. The AP’s members and subscribers include the nation’s newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 280 locations in more than 100 countries. On any given day, AP’s content can reach more than half of the world’s population.

The Atlantic Monthly Group LLC is the publisher of *The Atlantic* and TheAtlantic.com. Founded in 1857 by Oliver Wendell Holmes, Ralph Waldo

Emerson, Henry Wadsworth Longfellow and others, *The Atlantic* continues its 160-year tradition of publishing award-winning journalism that challenges assumptions and pursues truth, covering national and international affairs, politics and public policy, business, culture, technology and related areas.

The Center for Investigative Reporting, Inc. is the nation's oldest nonprofit investigative newsroom in the country that runs the brands Mother Jones, Reveal, and CIR Studios. Mother Jones is a reader-supported news magazine and website known for ground-breaking investigative and in-depth journalism on issues of national and global significance. Reveal produces investigative journalism for the Reveal national public radio show and podcast, and CIR Studios produces feature length documentaries distributed on Netflix, Hulu and other streaming channels. Reveal often works in collaboration with other newsrooms across the country.

The E.W. Scripps Company is the nation's fourth-largest local TV broadcaster, operating a portfolio of 61 stations in 41 markets, including Idaho News 6 in Boise, ID (KIVI) and in Twin Falls, ID (KSAW). Scripps also owns Scripps Networks, which reaches nearly every American through the national news outlets Court TV and Newsy and popular entertainment brands ION, Bounce, Grit, Laff and Court TV Mystery. The company also runs an award-winning

investigative reporting newsroom in Washington, D.C., and is the longtime steward of the Scripps National Spelling Bee.

First Amendment Coalition (“FAC”) is a nonprofit public interest organization dedicated to defending free speech, free press and open government rights in order to make government, at all levels, more accountable to the people. The Coalition’s mission assumes that government transparency and an informed electorate are essential to a self-governing democracy. FAC advances this purpose by working to improve governmental compliance with state and federal open government laws. FAC’s activities include free legal consultations on access to public records and First Amendment issues, educational programs, legislative oversight of California bills affecting access to government records and free speech, and public advocacy, including extensive litigation and appellate work. FAC’s members are news organizations, law firms, libraries, civic organizations, academics, freelance journalists, bloggers, activists, and ordinary citizens.

Gannett Co., Inc. is the largest local newspaper company in the United States. Our more than 200 local daily brands in 43 states—together with the iconic USA TODAY—reach an estimated digital audience of 140 million each month.

Gray Local Media, Inc. owns Idaho television station KMVT in Twin Falls.

HuffPost is a news publication owned by BuzzFeed, Inc., which is a social news and entertainment company that provides shareable breaking news, original reporting, entertainment, and video across the social web to its global audience of more than 200 million.

The Intercept Media, Inc. is a non-profit digital media venture committed to rigorous, adversarial journalism in the public interest.

Los Angeles Times Communications LLC is one of the largest daily newspapers in the United States. Its popular news and information website, www.latimes.com, attracts audiences throughout California and across the nation.

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,100 members representing most major news organizations. The Club defends a free press worldwide. Each year, the Club holds over 2,000 events, including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

The National Press Photographers Association (“NPPA”) is a 501(c)(6) non-profit organization dedicated to the advancement of visual journalism in its creation, editing and distribution. NPPA's members include television and still photographers, editors, students and representatives of businesses that serve the visual journalism industry. Since its founding in 1946, the NPPA has vigorously promoted the constitutional rights of journalists as well as freedom of the press in

all its forms, especially as it relates to visual journalism. The submission of this brief was duly authorized by Mickey H. Osterreicher, its General Counsel.

With an urban vibrancy and a global perspective, **New York Public Radio** produces innovative public radio programs, podcasts, and live events that touch a passionate community of 23.4 million people monthly on air, online and in person. From its state-of-the-art studios in New York City, NYPR is reshaping radio for a new generation of listeners with groundbreaking, award-winning programs including Radiolab, On the Media, The Takeaway, and Carnegie Hall Live, among many others. New York Public Radio includes WNYC, WQXR, WNYC Studios, Gothamist, The Jerome L. Greene Performance Space, and New Jersey Public Radio. Further information about programs, podcasts, and stations may be found at www.nypublicradio.org.

The New York Times Company is the publisher of *The New York Times* and operates the news website nytimes.com.

The News/Media Alliance represents over 2,200 diverse publishers in the U.S. and internationally, ranging from the largest news and magazine publishers to hyperlocal newspapers, and from digital-only outlets to papers who have printed news since before the Constitutional Convention. Its membership creates quality journalistic content that accounts for nearly 90 percent of daily newspaper circulation in the U.S., over 500 individual magazine brands, and dozens of digital-

only properties. The Alliance diligently advocates for newspapers, magazine, and digital publishers, on issues that affect them today.

The Online News Association (“ONA”) is the world’s largest association of digital journalists. ONA’s mission is to inspire innovation and excellence among journalists to better serve the public. Membership includes journalists, technologists, executives, academics and students who produce news for and support digital delivery systems. ONA also hosts the annual Online News Association conference and administers the Online Journalism Awards.

Pro Publica, Inc. (“ProPublica”) is an independent, nonprofit newsroom that produces investigative journalism in the public interest. It has won six Pulitzer Prizes, most recently a 2020 prize for national reporting, the 2019 prize for feature writing, and the 2017 gold medal for public service. ProPublica is supported almost entirely by philanthropy and offers its articles for republication, both through its website, propublica.org, and directly to leading news organizations selected for maximum impact. ProPublica has extensive regional and local operations, including ProPublica Illinois, which began publishing in late 2017 and was honored (along with the Chicago Tribune) as a finalist for the 2018 Pulitzer Prize for Local Reporting, an initiative with the Texas Tribune, which launched in March 2020, and a series of Local Reporting Network partnerships.

Radio Television Digital News Association (“RTDNA”) is the world’s largest and only professional organization devoted exclusively to electronic journalism. RTDNA is made up of news directors, news associates, educators and students in radio, television, cable and electronic media in more than 30 countries. RTDNA is committed to encouraging excellence in the electronic journalism industry and upholding First Amendment freedoms.

The Seattle Times Company, locally owned since 1896, publishes the daily newspaper *The Seattle Times*, together with the *Yakima Herald-Republic* and *Walla Walla Union-Bulletin*, all in Washington state.

Society of Professional Journalists (“SPJ”) is dedicated to improving and protecting journalism. It is the nation’s largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists and protects First Amendment guarantees of freedom of speech and press.

TEGNA Inc. owns or services (through shared service agreements or other similar agreements) 64 television stations in 52 markets, including KTVB in Boise, Idaho.

The Washington Post (formally, WP Company LLC d/b/a The Washington Post) is a news organization based in Washington, D.C. It publishes The Washington Post newspaper and the website www.washingtonpost.com, and produces a variety of digital and mobile news applications. The Post has won Pulitzer Prizes for its journalism, including the award in 2020 for explanatory reporting.

CONCLUSION

For the foregoing reasons, amici respectfully request leave to file the accompanying brief in support of Appellee.

Dated: May 28, 2025

Respectfully submitted,

/s/ Grayson Clary

Grayson Clary

Counsel of Record

Lisa Zycherman

Mara Gassmann

Renee M. Griffin

REPORTERS COMMITTEE FOR

FREEDOM OF THE PRESS

1156 15th St. NW, Suite 1020

Washington, D.C. 20005

Phone: (202) 795-9300

Fax: (202) 795-9310

gclary@rcfp.org

CERTIFICATE OF SERVICE

I, Grayson Clary, do hereby certify that I have filed the foregoing Motion for Leave to File Amici Curiae Brief electronically with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system on May 28, 2025.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/Grayson Clary

Grayson Clary

Counsel of Record

REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS